

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY COMMAND and  
MARCI COMMAND,

Plaintiffs,

v.

Case No. 1:10-cv-1117  
Hon. Robert J. Jonker

BANK OF AMERICA,

Defendant.

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**ORDER TO SHOW CAUSE**

On June 25, 2012, the court ordered “that the parties prepare a Joint Status Report” to be filed no later than August 1, 2012. Order (docket no. 33). On July 31, 2012, *pro se* plaintiffs filed a “Joint Status Report.” See Joint Status Report (docket no. 37). The proof of service states that it was mailed to the court on July 30, 2012. See Proof of Service (docket no. 38). The Joint Status Report is dated July 30, 2012 and appears to bear the plaintiffs’ signatures. However, the document does not include the signatures of defendant’s counsel, Brian C. Summerfield and Lawrence J. Hutt. Rather, the document has type-written conformed signatures of counsel, i.e., “/s/ Brian C. Summerfield” and “/s/ with consent of Laurence J. Hutt.” *Id.*

On August 1, 2012, defendant e-filed a document entitled “Bank of America, N.A.’s Status Report.” See Status Report (docket no. 39). The first paragraph of this Status Report states:

On July 31, 2012, plaintiffs *unilaterally* filed a purported “joint” status report (Doc. 37). Bank of America, N.A. (“BANA”), however, did not consent to the filing of plaintiffs’ report, did not authorize the signature of its counsel on said report, and does not join in any of the statements or proposals set forth in that report, except as may be indicated herein. Under the circumstances, BANA now has not [sic] choice but to submit its own status report pursuant to the Court’s June 25, 2012 order, as follows . . .

*Id.* (emphasis in original). Defendant has raised serious allegations which are tantamount to a claim that plaintiffs committed a fraud upon the court. Furthermore, the parties have not complied with the court order to file a *Joint* Status Report, with the result that the court has two separate reports before it.

Accordingly, **IT IS ORDERED** that both plaintiffs, Timothy Command and Marci Command, and both attorneys for defendant, shall appear before the court on **Monday, December 3, 2012, at 10:30 a.m.** At that time, plaintiffs shall show cause why they should not be sanctioned for unilaterally submitting a Joint Status Report which affixed defendant counsels' names to that document without authorization.

Dated: November 9, 2012

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge